



*South Dakota
Department of Corrections*

and

Council of Juvenile Services

JUVENILE JUSTICE AND DELINQUENCY PREVENTION PROGRAM

Disproportionate Minority Contact Report

December 2006

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I Juvenile Justice and Delinquency Prevention Formula Grants Program

A Juvenile Justice and Delinquency Prevention Act

Since its passage in 1974, the Juvenile Justice and Delinquency Prevention (JJDP) Act has changed the way states and communities deal with troubled youth. The goals of the Act and of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) are to help state and local governments prevent and control juvenile delinquency and to improve the juvenile justice system. This is accomplished by protecting juveniles in the juvenile justice system from inappropriate placements and harm with an emphasis placed on the need for community-based treatment for juvenile offenders.

The JJDP Act, through the 2002 reauthorization, establishes four core protections with which participating States and territories must develop and implement strategies for achieving and maintaining compliance with the requirements in order to receive grants under the JJDP Act:

- Deinstitutionalization of Status Offenders (DSO) – removal of status offenders and non offenders from secure juvenile detention and correctional facilities and the removal of all juveniles from jails and lockups for adult offenders
- Separation – provide separation between adult and juveniles in institutional settings
- Jail Removal – removal of juveniles from adult jails and lockups
- Disproportionate Minority Contact (DMC), reduction of minority over-representation where it exists within the juvenile justice system

Meeting the core protections is essential to creating a fair, consistent, and effective juvenile justice system that advances the important goals of the JJDP Act.

B Disproportionate Minority Contact (DMC)

In 1988, Congress took note of this problem by focusing state attention on the phenomenon of disproportionate minority confinement in the juvenile justice system. In 1992, Congress required states to address disproportionate minority confinement as a condition for receiving 25 percent of the state's Formula Grants

program allocation, making it the fourth and final core protection of the JJDP Act. The 1992 amendments required states to determine if minority juveniles are disproportionately confined in secure detention and correctional facilities and, if so, to address any features of their juvenile justice systems that may account for the disproportionate confinement of minority juveniles. This core requirement neither required nor established numerical standards or quotas in order for a state to achieve or maintain compliance. Rather, it required states to identify whether minority juveniles are disproportionately detained or confined in secure facilities, provide a complete assessment of why disproportionate minority confinement exists, and provide an intervention plan that seeks to reduce the disproportionate confinement of minority juveniles in secure facilities.

As amended by the JJDP Act of 2002, the concept of disproportionate minority confinement has been broadened to address the disproportionate numbers of minority youth who come into contact with any point of the juvenile justice system. The 2002 Act requires states to “address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of the minority groups, who come into contact with the juvenile justice system.”

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has been authorized to administer the Formula Grants program to support state and local delinquency prevention and intervention efforts and juvenile justice system improvements. The program is authorized under Title II, Part B, Section 222, of the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, as amended (Public Law 93-415, 42 U.S.C. 5601 et seq.).

- **Identify** the existence/extent of disproportionality through “between race” comparisons within jurisdictions and at specific decision points in the system
- **Assess** data about DMC to target detailed studies by identifying points of needed intervention, and allocate resources for system interventions

- **Intervene** to reduce DMC by assisting policymakers in choosing jurisdictions that should receive increased attention and intervention
- **Evaluate** how DMC responds to policy initiatives and system interventions
- **Monitor** trends in DMC within and across jurisdictions

C South Dakota's Participation

With the strong support of Governor M. Michael Rounds, the 2003 South Dakota legislature passed two bills, Senate Bill 8 and Senate Bill 202. These bills, along with recent amendments to the JJDP Act, as reauthorized in 2002, allow South Dakota to once again participate in the Formula Grants Program of the JJDP Act. Senate Bill 8 reconstitutes the State Advisory Group (SAG), called the "Council of Juvenile Services," and assigns duties to the Council. Senate Bill 202 made the necessary changes in state law to bring South Dakota into compliance with the JJDP Act as reauthorized in 2002. The provisions of Senate Bill 202 designate the South Dakota Department of Corrections as the state agency responsible for administering the formula grant programs, effective July 1, 2003.

D Council of Juvenile Services

As lead agency in this initiative, the Department of Corrections works closely with the Council of Juvenile Services, committees of the Council, and workgroups to implement the Formula Grants Program within South Dakota.

1 Membership Requirements

The Council of Juvenile Services is the state advisory group for the State's participation in the formula grants program of the JJDP Act.

The Council of Juvenile Services consists of 20 Governor-appointed members who have training, experience, or special knowledge of juvenile delinquency prevention or treatment or of the administration of juvenile justice. At least one member is a locally elected official

representing general purpose local government. At least one-fifth of the members shall be under the age of 24 at the time of appointment. At least three members shall have been or currently under the jurisdiction of the juvenile justice system. A chairperson, who may not be a full-time federal, state, or local employee, for the Council of Juvenile Services shall be chosen annually by a majority vote of its members at the first meeting each fiscal year.

2 Council of Juvenile Services Responsibilities

Formula grant guidelines require the state advisory group to approve the state's Three-Year Plan and Formula Grant Application prior to submission to the OJJDP. The group also approves grant applications and funding decisions involving the use of formula grant funds. The advisory group is responsible for submitting an annual report to the governor and legislature that includes recommendations regarding state compliance with the requirements of the Act and a review of progress and accomplishments of projects funded under the state plan.

SDCL 1-15-30 outlines the responsibilities of the Council of Juvenile Services as follows:

- (1) In conjunction with the secretary of the Department of Corrections, establish policy on how the formula grants program of the Juvenile Justice and Delinquency Prevention Act is to be administered in South Dakota;
- (2) Approve the state plan, and any modifications thereto, required by 223(a) of the Act prior to submission to the Office of Juvenile Justice and Delinquency Prevention;
- (3) Submit annual recommendations to the Governor and Legislature concerning the functions of the Council of Juvenile Services and the status of the state's compliance with the Act;
- (4) Approve or disapprove grant applications and other funding requests submitted to the Department of Corrections under § §

1-15-27 to 1-15-31, inclusive, and assist with monitoring grants and other fund awards;

- (5) Assist the Department of Corrections in monitoring the state's compliance with the Act;
- (6) Study the coordination of the various juvenile intervention, prevention, treatment, and rehabilitation programs;
- (7) Study effective juvenile sentencing, adjudication, and diversion policies and provisions;
- (8) Make a special study of, and make an annual report to the Governor, the Unified Judicial System, and the Legislature by June thirtieth of each year concerning, the appropriate administration of and provision for children in need of supervision in this state;
- (9) Contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system; and
- (10) Perform other such activities as determined by the Governor, the secretary of the Department of Corrections, or the Council of Juvenile Services.

3 DMC Committee and Workgroups

The Council of Juvenile Services has created three committees to monitor, research, and make recommendations to the Council on key program components. These three committees include Systems and Services Committee, Compliance Monitoring Committee, and Disproportionate Minority Contact (DMC) Committee. Additional committees and workgroups are formed as needed to address other issues.

The DMC Committee is comprised of Council members and other nonmembers that have taken an interest in DMC in South Dakota. This group has met to learn about and discuss identification and assessment information with researchers and staff. Based on these discussions, the DMC Committee determined that addressing DMC on a statewide basis

required local interventions to obtain positive results. The DMC Committee recommended to the Council that DMC Intervention Workgroups be formed in Sioux Falls, Rapid City, and Sisseton.

As DMC Workgroups, each of the three groups were asked to develop and submit community specific DMC Intervention Plans to the DMC Committee and the Council for funding consideration by October 2005. A summary of the recommendations for each community can be found in the Disproportionate Minority Contact Intervention section of this document.

II Disproportionate Minority Contact Identification/Ongoing Monitoring

A Overview

The purpose of the Identification Phase of a State's DMC effort is to determine if minority youth are overrepresented in the State's juvenile justice system. By collecting and examining data on the numbers of youth at each stage, a State can determine whether overrepresentation exists, where it exists, and the degree of overrepresentation at these points within the State's juvenile justice system.

In Fiscal Year 2005, South Dakota completed the identification phase of the DMC process. Based on data collected from the Attorney General's Division of Criminal Investigation, the Unified Judicial System, and the Department of Corrections, DMC was found to exist in South Dakota's juvenile justice system. The arrest stage was found to exhibit the most evidence of minority overrepresentation within the juvenile system.

In Fiscal Year 2006, DMC data was again compiled as part of the ongoing monitoring process.

B Data

1 Population

Based on United States Census Data provided by the Office of Juvenile Justice and Delinquency Prevention, there were 190,874 juveniles

under the age of 18 residing in South Dakota in 2004. Of these juveniles, 18.0% were minority youth with the largest populations being made up by Black (1.5%) and Native American (15.6%) youth.

Statewide Population		
	Total	%
White	156,590	82.0%
Black	2,870	1.5%
Hispanic or Latino	0	0.0%
Asian	1,626	0.9%
Native Hawaiian/Other Pacific Islander	0	0.0%
American Indian/Alaska Native	29,788	15.6%
Other/Unknown	0	0.0%
All Minorities	34,284	18.0%
Total	190,874	

2 Arrests

According to Division of Criminal Investigation arrest information, there were 7,828 juveniles arrested in South Dakota in 2004. Of these juveniles, 33.6% were minority youth with the largest populations being comprised of Black (2.8%) and Native American (30.2%) youth.

Statewide Arrests		
	Total	%
White	5,196	66.4%
Black	221	2.8%
Hispanic or Latino	0	0.0%
Asian	50	0.6%
Native Hawaiian/Other Pacific Islander	0	0.0%
American Indian/Alaska Native	2,361	30.2%
Other/Unknown	0	0.0%
All Minorities	2,632	33.6%
Total	7,828	

Based on these numbers, a comparison was done for juveniles arrested and the total juvenile population. The arrest rate for white juveniles was 33.18 per 1,000 youth in the population. The arrest rate for Native American youth was 79.26 per 1,000 youth in the population. In comparing these rates, the Relative Rate Index (RRI) is 2.39. This means

the arrest rate for Native American youth was 2.39 times higher than the arrest rate for White youth, which is at a level indicating statistical significance—that the differences are not likely due to chance. The arrest rate for Black youth was 77.00 per 1,000 youth in the population. In comparing the rate for Black youth to White youth, the Relative Rate Index (RRI) is 2.32. This means the arrest rate for Black youth was 2.32 times higher than the arrest rate for White youth, which is at a level indicating statistical significance.

3 Detention

According to juvenile admission records, there were 2,684 juveniles admitted to secure holding facilities in South Dakota in 2004. Of these juveniles, 44.0% were minority youth with the largest populations being comprised of Black (2.8%) and Native American (35.4%) youth.

Statewide Detention		
	Total	%
White	1,502	56.0%
Black	99	3.7%
Hispanic or Latino	74	2.8%
Asian	33	1.2%
Native Hawaiian/Other Pacific Islander	0	0.0%
American Indian/Alaska Native	950	35.4%
Other/Unknown	26	1.0%
All Minorities	1,182	44.0%
Total	2,684	

Based on these numbers, a comparison was done for juveniles in detention and the total number of arrests. The detention rate for white juveniles was 28.91 per 100 youth arrested. The detention rate for Native American youth was 40.24 per 100 youth arrested. In comparing these rates, the Relative Rate Index (RRI) is 1.39. This means the detention rate for Native American youth was 1.39 times higher than the detention rate for White youth, which is at a level indicating statistical significance. The

detention rate for Black youth was 44.80 per 100 youth arrested. In comparing the rate for Black youth to White youth, the Relative Rate Index (RRI) is 1.55. This means the detention rate for Black youth was 1.55 times higher than the detention rate for White youth, which is at a level indicating statistical significance.

4 Petitions Filed

According to records from the Unified Judicial System, there were 6,226 juvenile petitions in South Dakota in 2004. Of these juveniles, 17.5% were Minority youth with the largest populations being made up by Black (1.3%) and Native American (15.8%) youth. However, it must also be noted that 2,509 records (40.3%) of the total records reviewed had race information recorded as other, unknown, or were missing race information.

Statewide Petitions		
	Total	%
White	2,626	42.2%
Black	82	1.3%
Hispanic or Latino	0	0.0%
Asian	25	0.4%
Native Hawaiian/Other Pacific Islander	0	0.0%
American Indian/Alaska Native	984	15.8%
Other/Unknown	2,509	40.3%
All Minorities	1,091	17.5%
Total	6,226	

Based on these numbers, a comparison was done for juveniles in petitions filed and the total number of arrests. The rate for petitions filed for White juveniles was 50.54 per 100 youth arrested. The rate for petitions filed for Native American youth was 41.68 per 100 youth arrested. In comparing these rates, the Relative Rate Index (RRI) is 0.82. This means the rate for petitions filed for White youth was 1.21 times higher than the rate for petitions filed for Native American youth, which is at a level indicating statistical significance. The rate for petitions filed for

Black youth was 37.10 per 100 youth arrested. In comparing the rate for Black youth to White youth, the Relative Rate Index (RRI) is 0.73. This means the rate for petitions filed for White youth was 1.36 times higher than the rate for petitions filed for White youth, which is at a level indicating statistical significance.

5 Statewide Cases Resulting in Delinquent/CHINS Adjudications

According to records from the Unified Judicial System, there were 5,337 juvenile adjudications in South Dakota in 2004. Of these juveniles, 17.7% were Minority youth with the largest populations being made up by Black (1.1%) and Native American (16.2%) youth. However, it must also be noted that 3,068 records (39.8%) of the total records reviewed had race information recorded as other, unknown, or were missing race information.

Statewide Cases Resulting in Delinquent/CHINS Findings		
	Total	%
White	2,269	42.5%
Black	60	1.1%
Hispanic or Latino	0	0.0%
Asian	18	0.3%
Native Hawaiian/Other Pacific Islander	0	0.0%
American Indian/Alaska Native	867	16.2%
Other/Unknown	2,123	39.8%
All Minorities	945	17.7%
Total	5,337	

Based on these numbers, a comparison was done for juveniles in adjudications and the total number of petitions filed. The adjudication rate for white juveniles was 86.41 per 100 youth with petitions filed. The adjudication rate for Native American youth was 88.11 per 100 youth with petitions filed. In comparing these rates, the Relative Rate Index (RRI) is 1.02. This means the adjudication rate for Native American youth was 1.02 times higher than the adjudication rate for White youth, which is not at a level indicating statistical significance. The adjudication rate for

Black youth was 73.17 per 100 youth with petitions filed. In comparing the rate for Black youth to White youth, the Relative Rate Index (RRI) is 0.85. This means the adjudication rate for White youth was 1.18 times higher than the adjudication rate for White youth, which is at a level indicating statistical significance.

6 Dispositions to Probation

According to records from the Unified Judicial System, there were 3,291 juvenile dispositions to probation in South Dakota in 2004. Of these juveniles, 21.6% were Minority youth with the largest populations being made up by Black (0.9%) and Native American (20.4%) youth. However, it must also be noted that 1,130 records (34.3%) of the total records reviewed had race information recorded as other, unknown, or were missing race information.

Statewide Probation Dispositions		
	Total	%
White	1,450	44.1%
Black	29	0.9%
Hispanic or Latino	0	0.0%
Asian	10	0.3%
Native Hawaiian/Other Pacific Islander	0	0.0%
American Indian/Alaska Native	672	20.4%
Other/Unknown	1,130	34.3%
All Minorities	711	21.6%
Total	3,291	

Based on these numbers, a comparison was done for juveniles placed on probation and the total number of adjudications. The probation rate for white juveniles was 63.90 per 100 youth adjudicated. The probation rate for Native American youth was 77.51 per 100 youth adjudicated. In comparing these rates, the Relative Rate Index (RRI) is 1.21. This means the probation rate for Native American youth was 1.21 times higher than the probation rate for White youth, which is at a level indicating statistical significance. The probation rate for Black youth was

48.33 per 100 youth adjudicated. In comparing the rate for Black youth to White youth, the Relative Rate Index (RRI) is 0.76. This means the probation rate for White youth was 1.32 times higher than the probation rate for Black youth, which is at a level indicating statistical significance.

7 Cases Resulting in Confinement in Secure Juvenile Correctional Facilities

According to records from the Department of Corrections, there were 111 juveniles confined in secure correctional facilities in South Dakota in 2004. Of these juveniles, 59.5% were Minority youth with the largest populations being made up by Black (2.7%) and Native American (55.9%) youth.

Cases Resulting in Confinement in Secure Juvenile Correctional Facilities		
	Total	%
White	45	40.5%
Black	3	2.7%
Hispanic or Latino	0	0.0%
Asian	1	0.9%
Native Hawaiian/Other Pacific Islander	0	0.0%
American Indian/Alaska Native	62	55.9%
Other/Unknown	0	0.0%
All Minorities	66	59.5%
Total	111	

Based on these numbers, a comparison was done for juveniles confined in secure correctional facilities and the total number of adjudications. The secure correctional confinement rate for white juveniles was 1.98 per 100 youth adjudicated. The secure correctional confinement rate for Native American youth was 7.15 per 100 youth adjudicated. In comparing these rates, the Relative Rate Index (RRI) is 3.61. This means the secure correctional confinement rate for Native American youth was 3.61 times higher than the probation rate for White youth, which is at a level indicating statistical significance. Based on the

numbers for Black youth, there were not enough cases to calculate the Relative Rate Index (RRI) or to report significant findings.

8 Cases Transferred to Adult Court

Based on the numbers, there were not enough cases to calculate the Relative Rate Index (RRI) or to report significant findings for either Black or Native American youth.

III Disproportionate Minority Contact Assessment

The assessment stage of the DMC process requires a more in-depth look at and understanding of the discrepancies between white and minority youth at the various decision points in the juvenile justice system. The focus of the Assessment Phase is on why minority overrepresentation exists.

Mountain Plains Research was contracted to conduct an assessment of DMC in order to assist the Council in identifying interventions that can reduce the occurrence of DMC. Mountain Plains Research conducted a quantitative study and a qualitative study to complete the assessment process.

A Qualitative Assessment

As part of the DMC Assessment Phase, South Dakota Department of Corrections (DOC) and the researchers from Mountain Plains Research worked to conduct focus group sessions throughout South Dakota. Twelve focus groups were held with the sites including Custer, Rapid City, Sioux Falls, and Sisseton. Ninety-two participants including parents, service providers, juvenile justice practitioners, and youth took part in the focus groups. The focus groups were formed to obtain a relatively proportional representation of participants, based on age, geographic location, gender, and race/ethnicity. Besides demographic characteristics, participants were selected based on their ability to function well in group settings and their availability and willingness to participate.

The specific aims of the focus groups were to assess participants' perceptions of four main topics:

- Is there racial/ethnic bias in the juvenile justice system in South Dakota?
- If so, at what point in the system is there disproportionate minority contact?
- What factors contribute to disproportionate minority contact?
- What are the solutions to disproportionate minority contact?

1 Where in the System is there Bias?

Based on the focus group responses, the youth and parents who believe that there is bias in the system, indicated that the persons most likely to be unfair or biased were law enforcement, state's attorney, and judges. Some youth being monitored closely while on probation indicated that their Court Service Officers (CSOs) were unfair. Some youth and parents from both the minority and dominant culture indicated unfair treatment at each stage in the juvenile justice system. Most expressed favorable opinions about CSOs and Juvenile Corrections Agents (JCA's).

2 Reasons for Disproportionate Minority Contact

Based on the discussions within the focus groups, the researchers were able to identify the following reasons for DMC in South Dakota as identified by focus group participants:

- Prejudice/Biased Treatment of Minorities
 - Law Enforcement Focus on Minorities
 - Pervasive Racism in All Systems
 - Fatalism-Racism is Here to Stay
 - Prejudice - Flip Side
- Different Laws, Mores, and Cultural Values between Reservation and Non-Reservation Areas
- Inconsistent Family Life/Structure
- Difficult to Adopt Native American Children
- Truancy and Dropout Rates

- Substance Abuse
- Environment-Loss of Culture/Identity
- Education Differences
- Gangs
- Negative Media Portrayal of Minorities
- Legacy of Boarding Schools Among Native Americans
- Law Enforcement is Reactive to Complaints
- Poverty/Poor Economics/Jobs
- Native Americans More Forthright

For more information on any of these reasons, see the publication “Assessment of Disproportionate Minority Contact in South Dakota” written by Gary R. Leonardson and Roland Loudenburg from Mountain Plains Research and Evaluation (2005) which is available through the South Dakota Department of Corrections.

3 Solutions to Reduce Delinquency and/or DMC

Based on the discussions within the focus groups, the researchers were able to identify the following solutions to reduce delinquency and DMC in South Dakota:

- Cultural Sensitivity/Diversity Training
- Hold Adults Accountable
- Spiritual Aspects Need to be Part of the Solution
- Break the Cycle of Negativity
- Mentoring Programs
- Tribal Truancy Courts
- Better Communication between Leaders in Reservation Communities and Non-Reservation Communities
- Teach Native American Culture to Urban Indians
- Early Intervention
- Teach Parenting Skills
- Hire More Minority Staff Members

- Teach Families How to be Supportive
- More Wholesome Community Activities
- Youth Advocate
- More Services (i.e., advocacy, counseling, parenting, education, etc.)
- Bring People Together/Engender Commonalties
- Treat Everyone Equal-Arrest More Whites/Fewer Minorities
- Tap into Native American Cultural to Seek Solutions

For more information on any of these reasons, see the publication “Assessment of Disproportionate Minority Contact in South Dakota” written by Gary R. Leonardson and Roland Loudenburg from Mountain Plains Research and Evaluation (2005) which is available through the South Dakota Department of Corrections.

B Quantitative Assessment

Although identification information and the qualitative assessment appear to be looking at similar information, the qualitative assessment allows a more meaningful look into the data. The assessment allows for a look at other factors and groups of factors that can help explain why some of the disparities exist. Although race is at the core of DMC, other factors may provide further explanations of the situations surrounding DMC.

1 Arrest

Arrest information for adolescents is not currently available statewide by individuals or by incidence-based, but only by summarized data. In looking at statewide arrest data for 2003, it can be noted that whites had (proportionally) more status offenses, while Native Americans had more delinquent offenses and offenses against persons. Statewide Native Americans comprised 14.1 percent of the 10-17 years old adolescents, but had 29.4 percent of the reported arrests.

Statewide Population and Arrest Information for 2003 for Persons Ages 10-17			
Category	White	Native American	Total
Number of Persons: Ages 10-17	78,236	13,223	93,466
Proportion of Persons by Race: Ages 10-17	83.7%	14.1%	
Proportion of All Offenses	67.0%	29.4%	
Proportion of Status Offenses	68.8%	28.0%	
Proportion of Delinquent Offenses	66.2%	30.1%	
Proportion of Offenses Against Persons*	57.1%	37.4%	
Total Incidents	5,744	2,521	8,570
*Crimes against Persons			
1. Murder & non-negligent manslaughter	4. Robbery	7. Sex offenses	
2. Manslaughter by negligence	5. Aggravated assault		
3. Forcible rape	6. Other assaults (simple)		

In considering types of reported offenses in 2003, there were some differences noted by race/ethnicity with more liquor law offenses reported for whites than for Native Americans and more 'All Other Offenses' for Native Americans. Marijuana was one of the 'top five' categories for whites, but not for Native Americans and simple assault was a 'top five' for Native Americans, but not for whites.

Top 5 Offenses Statewide-2003		
White	Native American	Total
5744 incidents	2521 incidents	8570 incidents
23% Liquor Laws	25% All Other Offenses (Except Traffic)	22% All Other Offenses (Except Traffic)
21% All Other Offenses (Except Traffic)	17% Liquor Laws	21% Liquor Laws
14% Larceny	14% Larceny	14% Larceny
9% Possession of Marijuana	8% Runaway	7% Possession of Marijuana
7% Runaway	6% Other Assaults (Simple)	7% Runaway

2 Detention

The table below presents the summary detention information for the three detention data sets, which are: Minnehaha County JDC, Pennington County JDC, and all other jails and JDC's. The three data sets (main, Pennington, and Minnehaha) are examined separately because of differing variables and ID designations. In this analysis, only one entry per person was used. Statewide, Native Americans comprised nearly one-

third of the total detention population for 2002. Information on Hispanics was not an option for the Pennington County JDC.

Detention – 2002 One Case Per Person				
Race/Ethnicity Category	All Others Besides Minnehaha and Pennington	Minnehaha County JDC	Pennington County JDC	Total All Detentions
Asian	0 (0.0%)	9 (1.4%)	8 (0.9%)	17 (0.9%)
Black	5 (1.2%)	46 (7.3%)	17 (2.0%)	68 (3.6%)
Hispanic	3 (0.7%)	28 (4.4%)	NA	31 (1.6%)
Native American	105 (26.0%)	139 (22.1%)	369 (42.7%)	613 (32.3%)
White	288 (71.3%)	398 (63.2%)	468 (54.2%)	1154 (60.8%)
Other/Unknown	3 (0.7%)	10 (1.6%)	2 (0.2%)	15 (0.8%)
Total	404	630	864	1898

a) Main Detention Data Set

In looking at detention information by ethnicity and gender, it was found that Native Americans comprised nearly 35 percent of the detained females, and about 22 percent of detained males. In examining the number of days spent in detention for those who stayed at least some time in the detention centers, it was found that Native Americans averaged more days than did whites. Native Americans had significantly greater severity of offenses, explaining some of the differences in days in detention by race.

b) Minnehaha County Detention Information for 2002

In looking at detention information by ethnicity and gender, it was found that Native Americans comprised 22.1 percent of the persons and 21.3 percent of the incidences, while whites accounted for 63.2 percent of the individuals and 63.6 percent of the incidences. In examining gender, it can be seen that males

outnumber females by nearly a two to one margin. There were notable exceptions for Asians and Native Americans in that there were nearly an equal proportion of males and females. There were no significant differences by gender or ethnicity in the amount of time in detention either by last occurrence or by incidences. However, severity of the offenses committed by white adolescents was significantly greater than that of Native Americans adolescents.

c) Pennington County Detention Information for 2002

In looking at detention information by ethnicity and gender, it was found that Native Americans comprised 42.7 percent of the persons and 50.1 percent of the entries in the data set, while whites account for 54.2 percent of the individuals and 46.9 percent of the 'incidences' or entries. In examining gender, it can be seen that males outnumber females by nearly a two to one margin. In looking at individuals, there are higher proportions of females for Blacks and Native Americans. In general, there was little difference by gender or ethnicity in the amount of time in detention either by individuals' last occurrence or by incidences. Males did receive significantly more days than females, based on one contact per person. Males committed significantly more severe offenses than did females, but there were no differences by race in the severity of offenses.

3 Adjudication of Adolescents

Race was marginally statistically significant when considered in the two variable assessment of race and adjudicated/not adjudicated. However, when race was considered in a multivariate statistical analysis procedure it was not a significant factor in determining adjudication status. In fact, race did not meet the cutoff values needed for inclusion in the final regression equation. However, the other factors listed in the table below

were statistically significantly related with the number of times on probation and pre-hearing detention being the best variables in assessing adjudication status.

Adjudicated: Statistical Procedure	
Factor	Comments
Race	Race was not selected in the backward conditional method
Gender	Females more likely to be adjudicated
Circuit	Circuit 1 had higher percent; Circuit 6 lower percent adjudicated
Pre-Hearing Detention	Pre-hearing detention = greater likelihood of being adjudicated
Severity of Offense	More severe the offense = greater the likelihood of being adjudicated
Age	Younger more likely to be adjudicated
Number of Times in Probation File	More times on probation = greater likelihood of being adjudicated
Source: UJS	

4 Dispositions

To increase the validity of the results, three methods were used in the analyses of the dispositional information: 1) using all eligible entries allowing for multiple cases per person; 2) using all eligible entries allowing for multiple cases per person for the last four years; 3) and, selecting one case per person with the most severe offense used as the selection criterion (for those with more than one entry in the system).

In examining the statewide disposition results, it can be noted that overall there was only one (incarceration time) difference by race. For Method 2, Native Americans (37 days) were found to have significantly higher incarceration time than whites (30 days). The most important factors in determining time or amounts of other dispositions were severity of offense, circuit, pre-hearing detention, and age.

Summary of Disposition Results-Statewide				
Disposition	Method 1: Multiple Cases All	Method 2: Multiple Cases- 2001-2004	Method 3: Most Severe Offense	Overall Results
Detention Time	Race: p = .39	Race: p = .15	Race: p = .34	Not significant
Incarceration Time	Race: p = .06	Race: p = .04* Interaction	Race: p = .73	Not significant
Probation Time	Race: p = .57	Race: p = .50	Race: p = .26	Not significant
Community Service Time	Race: p = .93	Race: p = .72	Race: p = .73	Not significant
Fine Amount	Race: p = .51	Race: p = .23	Race: p = .11	Not significant
Restitution Amount	Race: p = .06	Race: p = .85	Race: p = .16	Not significant
Drivers License Suspended	Race: p = .57	Race: p = .49	Race: p = .11	Not significant
*Statistically significant				

5 Commitment to DOC

Native Americans were about twice as likely as were whites to be committed to DOC. When factors were considered, it was found that race was a significant factor after controlling for severity of offense, age, circuit, pre-hearing detention, gender, and interaction factors. Race was significant, but not as important as circuit and probation in determining DOC commitment.

In examining the rate of sentencing Native Americans to DOC by circuit, it is noted in the table below that Circuits 1 and 2 had the highest rates of Native Americans committed to DOC.

Circuit	Average Rate
1	2.9
2	3.6
3	1.0
4	0.9
5	2.1
6	1.8
7	1.9

6 Initial Placement by DOC

When looking at what factors best predict placement in secure/non-secure facilities at initial placement by DOC, five significant factors were found in the backward conditional regression procedure. The factors in order of significance were: interaction between race and gender,

disruptive behavior on school property, age, delinquent acquaintances, and prior number of convictions. The following points describe the relationships found at initial DOC placement:

- Those with delinquent acquaintances were more likely to be placed in secure facilities.
- Those with a history of disruptive behavior on school property were more likely to be placed in secure facilities.
- Those with three or more prior convictions were more likely to be placed in secure facilities.
- Those who were older were more likely to be placed in secure facilities.
- The interaction between gender and race was significant in that females and Native Americans were slightly more likely to be placed in secure facilities than were males and whites.

7 DOC Out-of-State Placement

Race was significant as a single factor analysis, but race was not statistically significant in the multivariate analysis with multiple independent factors. These factors include three or more current convictions, two or more failures to comply, prior probation, inadequate supervision, some delinquent friends, substance use linked to offenses, short attention span, inadequate guilt feelings, defies authority, low achievement in school, problems with teachers, and truancy.

8 Placement Following Revocation of Aftercare by DOC.

Based on information provided by the Department of Corrections, ethnicity /race was not found to be a significant factor in the revocation of aftercare. Additional analyses were not conducted with covariates because the initial results were non-significant.

IV Disproportionate Minority Contact Intervention

As part of the DMC initiative, each state begins the challenging process of devising and implementing strategies to reduce minority overrepresentation. The overrepresentation of minority youth in the juvenile justice system is the result of a multitude of factors and requires careful consideration and planning, the coordination of many stakeholders, and the implementation of varied activities to reduce it.

A Statewide

The South Dakota DMC Committee reviewed DMC information and assessment results to determine what strategies should be implemented on a statewide basis. Based on the recommendations from the DMC Committee, the Council of Juvenile Services has adopted and has taken steps to begin implementation of the following statewide DMC intervention strategies:

- (1) Implement data improvement projects in order to improve quantity and quality of the data currently available for the study of DMC.
- (2) Disseminate information about Disproportionate Minority Contact (DMC).
- (3) Decrease the overrepresentation of Native American youth in South Dakota's juvenile justice system by developing and implementing effective Native American culture awareness training and agency cultural assessment training for juvenile justice practitioners and service providers.
- (4) Research the impact on raising the compulsory school attendance age from 16 years to 18 years.
- (5) Increase collaboration with Native American Tribes and the state juvenile justice system in order to access services operated by tribal entities including temporary custody, diversion, and treatment services instead of relying solely on existing state operated or contracted programs.
- (6) Create a legal education program be implemented for juveniles and their families. The focus of the program would be on the right and responsibilities, navigating the justice system, and parenting a juvenile that is involved with the juvenile justice system.

- (7) Implement intervention locations in Sioux Falls, Rapid City, and Sisseton and continue to support the three local DMC Workgroups financially as well as through staff support.

Programs funded as of the end of 2006 are as follows:

DMC Intervention Strategy Update			
Location	Provider	Description	Allocation
Sioux Falls			\$80,000.00
	Lutheran Social Services	Cultural Translator	\$50,000.00
	Great Plains Psychological Services	Parenting Skills Classes	\$10,000.00
	American Indian Services	Parenting Training/Outreach	\$20,000.00
Rapid City			\$80,000.00
	Rapid City Area Schools	Prevention Specialist Positions	\$67,750.00
	Rapid City Area Schools	Elder/Mentor Program	\$7,480.00
	Rapid City Area Schools	School Incentives Program	\$4,770.00
Sisseton			\$40,000.00
	Lutheran Social Services	Violence Reduction Program	\$6,050.00
	Glacial Lakes Boys and Girls Club	Smart Kids Program	\$3,950.00
	City of Sisseton	School Resource Officer	\$30,000.00
Statewide			\$39,955.00
	Project Solutions	Cultural Training	\$39,955.00

B Sioux Falls/Minnehaha County

Based on the recommendations of the DMC Committee, the Council of Juvenile Services instructed the Formula Grants staff to work with members of the Sioux Falls/Minnehaha County community to establish the Sioux Falls DMC Workgroup. This workgroup began meeting in July 2005 and submitted a plan to the DMC Committee and the Council of Juvenile Services in October. This plan identifies the services and activities that the Sioux Falls Workgroup will implement in order to decrease over-representation of minority youth within the juvenile justice system.

In 2004, Minnehaha County had a juvenile population of 39,557 under the age of 18. This group is comprised of 91.3% white youth and 8.7% minority youth. Minority youth is broken down into Black (3.5%), Asian (1.6%), and Native American (3.7%). Information collected on DMC shows that the largest disparate findings are at the arrest stage with Native American juveniles.

In order to begin addressing DMC in the Sioux Falls area, the DMC Workgroup received local identification and assessment data; identified local factors associated with DMC; and decided to focus on prevention and early intervention for Native American youth and their families. The following items are the intervention strategies funded in the Sioux Falls Area:

- ◆ Cultural Translator—A position that would work with the Native American children and their families upon entrance of the child to the juvenile justice system in order to help the juvenile and the family understand the juvenile justice system, realize rights and responsibilities, and provide a better understanding of the youth's and family's needs to those people working within the juvenile justice system.
- ◆ Parenting Skills—Create a program to provide culturally appropriate parenting skills to Minority parents in order to prevent contact with the juvenile justice system and help them deal with some of the issues relating to contact with law enforcement and other state agencies.

- ◆ Outreach—Advocate existing programs and services within the juvenile justice system to include culturally based services within their programming.

DMC Intervention Strategy Update			
Location	Provider	Description	Allocation
Sioux Falls			\$80,000.00
	Lutheran Social Services	Cultural Translator	\$50,000.00
	Great Plains Psychological Services	Parenting Skills Classes	\$10,000.00
	American Indian Services	Parenting Training/Outreach	\$20,000.00

C Rapid City/Pennington County

Based on the recommendations of the DMC Committee, the Council of Juvenile Services instructed the Formula Grants staff to work with members of the Rapid City/Pennington County community to establish the Rapid City DMC Workgroup. This workgroup began meeting in July 2005 and submitted a plan to the DMC Committee and the Council of Juvenile Services in October. This plan identifies the services and activities that the Rapid City Workgroup will implement in order to decrease over-representation of minority youth within the South Dakota Juvenile Justice System. The following items are the strategies of the Rapid City DMC Workgroup.

In 2004, Pennington County had a juvenile population of 23,192 under the age of 18. This group is comprised of 81.6% white youth and 18.4% minority youth. Minority youth is broken down into Black (2.1%), Asian (1.2%), and Native American (15.1%). Information collected on DMC shows that the largest disparate findings are at the arrest stage with Native American juveniles.

In order to begin addressing DMC in the Rapid City area, the DMC Workgroup received local identification and assessment data; identified local factors associated with DMC; and decided to focus on prevention and early intervention for Native American youth and their families. The following items are the intervention strategies funded in the Rapid City Area:

- ◆ Rapid City Middle School Prevention Specialist—Create two positions for Middle School Prevention Specialists that would focus on providing services

to Minority youth—at Dakota and North Middle Schools—who are at risk of entering the juvenile justice system.

- ◆ Mentoring Program—Implementation of a program which focuses on placing elder mentors with American Indian students deemed to be at high-risk of dropping out of school for academic and/or behavior issues to promote self-esteem, build friendships, encourage respect, and teach culture.
- ◆ School Retention—Implementation of a program to aid in the school retention of Minority youth through a focus on truancy, dropouts, and parental involvement.

DMC Intervention Strategy Update			
Location	Provider	Description	Allocation
Rapid City			\$80,000.00
	Rapid City Area Schools	Prevention Specialist Positions	\$67,750.00
	Rapid City Area Schools	Elder/Mentor Program	\$7,480.00
	Rapid City Area Schools	School Incentives Program	\$4,770.00

D Sisseton/Roberts County

Based on the recommendations of the DMC Committee, the Council of Juvenile Services instructed the Formula Grants staff to work with members of the Sisseton/Roberts County community to establish the Sisseton DMC Workgroup. This workgroup began meeting in July 2005 and submitted a plan to the DMC Committee and the Council of Juvenile Services in October. This plan identifies the services and activities that the Sisseton Workgroup will implement in order to decrease over-representation of minority youth within the South Dakota Juvenile Justice System. The following items are the strategies of the Sisseton DMC Workgroup.

Roberts County has a juvenile population of 2,882 under the age of 18. This group is comprised of 50.1% white youth and 49.6% minority youth. Minority youth is broken down into Black (0.4%), Asian (0.4%), and Native American (49.6%). Information collected on DMC shows that the largest disparate findings are at the arrest stage with Native American juveniles.

In order to begin addressing DMC in the Sisseton area, the DMC Workgroup received local identification and assessment data; identified local factors associated with DMC; and decided to focus on prevention and early intervention for Native American youth and their families. The following items are the intervention strategies funded in the Roberts County Area:

- ◆ School Resource Officer—Create a Resource Officer position to be placed within the Sisseton schools to help deal with issues that arise on the grounds during school time; to improve rapport between the youth and law enforcement; to increase positive interaction with officers; to increase safety within the schools; to promote prevention/early intervention; and to provide education to help the juvenile and the family understand the juvenile justice system and their rights and responsibilities.
- ◆ Accountability Program—Implementation of a Violence Reduction Program that incorporates Mental Health Evaluations, Accountability, and Parenting Skill education in an effort to reduce the number of juveniles that reoffend.
- ◆ Prevention/Early Intervention Program—Implementation of an Prevention/Early Intervention Program to decrease offending or reoffending of juveniles for minor offenses.

DMC Intervention Strategy Update			
Location	Provider	Description	Allocation
Sisseton			\$40,000.00
	City of Sisseton	School Resource Officer	\$30,000.00
	Lutheran Social Services	Violence Reduction Program	\$6,050.00
	Glacial Lakes Boys and Girls Club	Smart Kids Program	\$3,950.00